

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NATHAN HAWKINS,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:04CV1269 SNL
	)	(TIA)
DONALD ROPER,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This cause is before the Court on Missouri state prisoner Nathan Hawkins' pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (filed September 17, 2004/Docket No. 2). All pretrial matters were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b).

Presently pending before the Court is Petitioner Nathan Hawkins' Motion to Supplement Writ of Habeas Corpus with Additional Claims (Docket No. 19). Petitioner purports to have filed a motion for postconviction relief under Missouri Supreme Court Rule 29.15 seeking to reopen his postconviction relief proceedings due to abandonment and conflict of interest of Rule 29.15 counsel. A review of the docket sheet fails to indicate whether the circuit court reopened Petitioner's postconviction relief proceedings and addressed the merits of his claim as requested by Petitioner or dismissed his request to reopen the postconviction proceedings as successive. See Smith v. State, 21 S.W.3d 830, 831-32 (Mo. 2000); Walker v. State, 194 S.W.3d 883, 885 (Mo. Ct. App. 2006); Missouri Supreme Court Rule 29.15(1). On the present record, the undersigned cannot determine whether Petitioner's motion was an attempt to file a successive Rule 29.15 motion. Rule 29.15(1) prohibits the circuit court from entertaining successive motions. Missouri Supreme Court Rule

29.15(1). Accordingly, the undersigned will direct Respondent to supplement the record with the court record from Hawkins v. Missouri, ED85128, and to file a brief addressing the merits of Petitioner's Motion to Supplement Writ of Habeas Corpus with Additional Claims (Docket No. 19). Therefore, for all of the foregoing reasons,

**IT IS HEREBY ORDERED** the Respondent shall file a responsive pleading to Petitioner's Motion to Supplement Writ of Habeas Corpus with Additional Claims (Docket No. 19) and supplement the record with the court record from Hawkins v. Missouri, ED85128 no later than March 12, 2007.

/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

Dated this 28<sup>th</sup> day of February, 2007.